

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

JASON A. GALLEGOS,

3:10-CV-00828-AC

Petitioner,

ORDER

v.

JEFF PREMO, Superintendent,

Respondent.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#25) on March 19, 2013, in which he recommended the Court deny Petitioner Jason A. Gallegos's Petition (#1) for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254, dismiss this matter with prejudice, and deny a certificate of appealability. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate

Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988).

In his Objections, Petitioner reiterates the arguments contained in his Petition and Memorandum in Support of Petition. This Court has carefully considered Petitioner's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#25), **DENIES** the Petition (#1) for Writ of Habeas Corpus, **DISMISSES** this matter **with prejudice**, and **DENIES** a certificate of appealability.

IT IS SO ORDERED.

DATED this 17th day of May, 2013.



ANNA J. BROWN
United States District Judge